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GENERAL ADMINISTRATION & PUBLIC GRIEVANCE DEPARTMENT

NOTIFICATION

The 4th March, 2020

No.7897/PT3-GAD-SC-RULES-0025-2019/Gen.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Odisha is pleased to make the following rules to regulate out of turn promotion of Officers and employees in different services and posts under the State Government, namely:

1. Short title and commencement.-(1) These rules may be called the Odisha Civil Services (Out of turn Promotion) Rules, 2020.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions.- In these rules, unless the context otherwise requires,-

(a) "Government" means the Government of Odisha;

(b) "Relevant recruitment rules" means the rules framed under the proviso to Article 309 of Constitution of India regulating from amongst other, promotions to different State Civil Services and Posts and include executive orders and instructions issued by the competent authority in this regard, from time to time;

(c) "Select list" means the list approved by the Cabinet;

(d) "Year" means the calendar year; and

(e) "Screening Committee" means the Committee constituted under rule 4 of these Rules.

3. Overriding effect on certain rules.- Notwithstanding anything contained in the relevant recruitment rules, the Odisha Civil Services (Criteria for Promotion) Rules, 1992, the principle of reservation and the Odisha Civil Services (Zone of Consideration for promotion) Rules, 1988, an officer or an employee, as the case may be, whose performance is found to be exceptional in having taken "exemplary personal initiative resulting in furthering public services", going out of his normal

routine responsibilities, such officer or the employee to be considered for the benefit of out of turn promotion to the higher rank irrespective of the batch or year of allotment to which he/she belongs and such promoted officer or employee shall be placed below the officers or employees already promoted to the rank to which he is promoted.

Explanation.- For the purpose of this rules, the expression "exemplary personal initiative in furthering public service" includes –

- (a) such contribution by the Government servant going beyond his routine duties which, in the opinion of the Government has had a substantial and transformative impact on society;
- (b) any action or initiative that has got awards and laurels for the State at National or International level or has been appreciated widely across various fora;
- (c) any other initiative that has contributed to bringing in exemplary change in lives of people;
- (d) any such initiative in which a person has risked his life while in performance of Government duty;
- (e) any initiative that has set benchmarks in service delivery:

Provided that a Government servant shall not be eligible for out of turn promotion if any Departmental Proceeding or criminal case is pending against him in any Court of law or he has been found guilty of any misconduct.

Provided further that in case of non-availability of post in the promotional rank, temporary post shall be created for the purpose to accommodate such officer or employee promoted on out of turn basis, keeping the overall cadre strength constant.

4. The Screening Committee.-(1) A Screening Committee shall be constituted to consider the cases of promotion on out of turn basis.

(2) The Screening Committee for Group-'A' post shall consist of, -

- (a) The Chief Secretary ... Chairman
- (b) The Secretary of the Administrative Department ... Member
- (c) One representative each from the General Administration and Public Grievance Department and the Finance Department not below the rank of Additional Secretary. ... Members

(3) The Screening Committee for Group-'B' post shall consist of, -

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| (a) The Development Commissioner | ... | Chairman |
| (b) The Secretary of the Administrative Department | ... | Member |
| (c) One representative each from the General Administration and Public Grievance Department and the Finance Department not below the rank of Joint Secretary | ... | Members |

(4) The Screening Committee for Group-'C' and Group-'D' post shall consist of,-

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| (a) Secretary of the Administrative Department | ... | Chairman |
| (b) Officer in-charge of establishment of the Administrative Department | ... | Member |
| (c) One representative each from the General Administration and Public Grievance Department and the Finance Department not below the rank of Joint Secretary | ... | Members |

5. Reports and information.- The Screening Committee shall be guided by, but not limited to the reports and information received from or obtained from higher authorities or Departments of the Government or Directorates or District Collectors or Field Establishments as the case may be, of the concerned Department.

6. Recommendation of the Screening Committee.- The Screening Committee shall make its recommendation to the respective Appointing Authority and the Appointing Authority shall place the list of names recommended by the Screening Committee before the Cabinet for its consideration and approval:

Provided that before placing the recommendation to the cabinet, the Odisha Public Service Commission shall be consulted wherever necessary.

By Order of the Governor

SANJEEV CHOPRA

Principal Secretary to Government